

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VICTORIA DOROTA SZURANT,

Plaintiff,

v.

Case No. 8:21-cv-605-TPB-AAS

JOSEF GRAF AARONSON,

Defendant.

_____ /

ORDER

Victoria Dorota Szurant, pro se, filed this action on March 19, 2021 and concurrently moved for default judgment. (Docs. 1, 2).

Ms. Szurant neither paid the filing fee nor moved to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(1), the court “may authorize the commencement, prosecution or defense of any suit, action or proceeding . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets.” To proceed *in forma pauperis*, the court must determine whether the action is frivolous or malicious, fails to state a claim upon which relief can be granted, or requests monetary relief against a defendant immune from that relief. 28 U.S.C. § 1915(e)(2)(B).

In addition, a motion for default judgment is premature because the plaintiff did not serve the defendant or obtain a clerk’s default. Federal Rule

of Civil Procedure 55 sets out a two-step procedure for obtaining a default judgment. First, after proper service, when a defendant fails to plead or otherwise defend, the clerk of court must enter a clerk's default. Fed. R. Civ. P. 55(a). Second, after entry of the clerk's default, the plaintiff may move for entry of a default judgment against the defendant. Fed. R. Civ. P. 55(b)(2). Because Ms. Szurant has not followed this procedure, her motion for default judgment (Doc. 2) is **DENIED**.

By **April 6, 2021**, Ms. Szurant must pay the filing fee or move to proceed *in forma pauperis* with a supporting affidavit of indigency. Failing to do so may result in dismissal.

ORDERED in Tampa, Florida on March 23, 2021.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

cc:

Pro se plaintiff